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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,345	08/18/2005	Alfred Kuttenger	10191/3715	5477
26646 7590 10/14/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
LAL ANNE VIET NGA				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
10/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/520,345

Applicant(s)

KUTTENBERGER ET AL.

Examiner

ANNE V. LAI

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Status of claims:

Claims 1-5 have been canceled in the Amendment of January 4th 2005.

Claims 6-11 are pending in this case.

Response to Arguments

2. Applicant's arguments filed on August 25, 2008, with respect to the rejection(s) of claim(s) 6-11 under 35 USC 102(e) as being anticipated by Koike [US 7,287,884] have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yoshika below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by **Yoshika** ([US 5,461,357].

In claim 6, **Yoshika** discloses a device in a vehicle for monitoring the environment around the vehicle, comprising:

an environment sensor system (radiation device 2, fig. 1) having a predetermined detection range (coverage range capability of the device);

an analyzer module (controller 4) for analyzing a signal of the environment sensor system, wherein the analyzer module selects and tracks at least one object by determining an attention range as a function of at least one predetermined parameter (area determining section 10, calculate distance I-max, determine danger zone S1, close zone S2, alert zone S3, expansion angle changed with a driving condition; see abstract, figs. 1-5, 14a-b, 15a-b, 16, and 21, col. 3, l. 10- col. 6, l. 17).

In claim 7, **Yoshika** discloses at least one of the predetermined parameters includes one of the relative speed between the vehicle and the particular object, the direction of the relative speed, a curve radius (steering angle, figs. 19-20) and a type of traffic (col. 6, l. 21- col. 8, l. 65).

In claims 8-9, **Yoshika** discloses the analyzer module 3 is connected to at least one restraint unit associated with the vehicle, the analyzer module triggering the at least one restraint unit as a function of tracking of the at least one object (automatic braking action, claim 5) (braking is considered a reversible restraint mechanism).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshika** in view of **Recknagel** (previously provided).

In claim 10, **Yoshika** does not disclose the restraint unit is one of a reversible seatbelt tightening and an extensible bumper. **Recknagel** teaches these types of restraint units must be used in vehicles to protect the driver in danger of vehicle collision (par. 12-15). It is also well known the use of seatbelt tightening is required by law in many countries.

In claim 11, **Yoshika** discloses activate the brake at an adjustable calculated distance l-max and **Recknagel** teaches activate the extensible bumper at threshold distance of 1.5 m (par. 14, 24); It would have been obvious the combination of both increases safety protection to the driver, the vehicle and the object or pedestrian.

Conclusion

7. This action is Non-Final.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rao [US 7,009,500]; Cho [US 5,959,552].

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on

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571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AVL

/Jeff Hofsass/
Supervisory Patent Examiner, Art Unit 2612